

### **Remarks**

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1 and 3-19 are pending in the application, with claim 1 being the independent claim. Claim 20 is newly added and claim 2 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1 and 4-7 have been amended to more clearly point out and distinctly claim the subject matter of the present invention. Descriptive support for the amendment is found in the specification as filed. The amendment introduces no new matter and its entry is respectfully requested.

Claims 8-12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Upon entry of the foregoing amendment, claim 1 recites the step of “obtaining a first set of intracranial blood flow data.” As such, Applicants respectfully request the Examiner withdraw the rejection of claims 8-12 under 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 4-11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Non-Patent Literature article entitled “Intracoronary Doppler and Quantitative Coronary Angiography Derived Predictors of Major Adverse Cardiac Events After Stent Implantation” to Haude, *et al.* (“Haude”). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of U.S. Patent No. 5,534,007 to St. Germain, *et al.* (“St. Germain”). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of U.S. Patent No. 6,697,667 to Lee, *et al.* (“Lee”). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of U.S. Patent No. 5,510,077 to Dinh, *et al.* (“Dinh”).

Based on the above amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

#### **I. Claims 1, 2, 4-11 and 13-15 are Patentable over Haude**

Claims 1, 2, 4-11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Haude. For the following reasons, this rejection is respectfully traversed.

Haude fails to disclose or suggest each and every element of independent claim 1. The disclosure of Haude is directed to a study for determining how soon after stent placement blood flow values should be measured in order to accurately predict whether a patient is likely to experience a major adverse cardiac event (MACE). (*See* Haude at pp.1-2.) While the Examiner is correct that Haude discloses the measurement of blood flow values such as coronary flow velocity, these measurements are taken only *after* stent placement. (*See, e.g.,* Haude at p.3.) There is no disclosure of obtaining blood flow data, correlating blood flow factor values, assessing blood flow based upon the correlated blood flow factor values and inserting a stent at a location *based upon* the assessed blood flow, as recited in claim 1.

In Haude, the stents are implanted “according to local practice.” (*See* Haude at p.3.) After the stents were implanted, patients underwent a series of tests in which blood flow measurements were taken in order to calculate the ideal time after stent placement for predicting incidence of MACE. (*See* Haude at pp.4-5.) Indeed, the conclusion of the study is that “[m]easurement of CVR<sub>rel</sub> and %DS *after* stent implantation are best suitable to predict MACE at 6 months [emphasis added].” (*See* Haude at p.2.) As such, Haude does not disclose the measurement of blood flow and using the measurement of blood flow data to determine a location for stent placement, as recited by independent claim 1.

Because Haude fails to disclose or suggest all of the elements of claim 1, claim 1 is allowable over Haude. Claims 2, 4-11 and 13-15 depend from claim 1 and are allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4-11 and 13-15 over Haude.

## **II. Claim 3 is Patentable over Haude in view of St. Germain**

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of St. Germain. For the following reasons, this rejection is respectfully traversed.

As discussed above, Haude fails to disclose or suggest each and every element of independent claim 1. St. Germain fails to cure the deficiencies of Haude. Indeed, St. Germain discloses only a catheter and stent delivery system. (*See* St. Germain at Abstract.) St. Germain fails to disclose or even suggest the measurement of blood flow data and using the measurement of blood flow to determine a location for stent placement.

Because Haude in view of St. Germain fails to disclose or suggest all of the elements of claim 1, claim 1 is allowable over Haude in view of St. Germain. Claim 3 depends from claim 1 and is allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 3 over Haude in view of St. Germain.

**III. *Claim 12 is Patentable over Haude in view of Lee***

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of Lee. For the following reasons, this rejection is respectfully traversed.

As discussed above, Haude fails to disclose or suggest each and every element of independent claim 1. Lee fails to cure the deficiencies of Haude. Indeed, Lee discloses only an apparatus and method for locating a coronary sinus of a patient's heart. (*See Lee at Abstract.*) Lee fails to disclose or even suggest the measurement of blood flow data and using the measurement of blood flow to determine a location for stent placement.

Because Haude in view of Lee fails to disclose or suggest all of the elements of claim 1, claim 1 is allowable over Haude in view of Lee. Claim 12 depends from claim 1 and is allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 12 over Haude in view of Lee.

**IV. *Claims 16-19 are Patentable over Haude in view of Dinh***

Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haude in view of Dinh. For the following reasons, this rejection is respectfully traversed.

As discussed above, Haude fails to disclose or suggest each and every element of independent claim 1. Dinh fails to cure the deficiencies of Haude. Indeed, Dinh discloses only a process for making a stent. (*See Dinh at Abstract.*) Dinh fails to disclose or even suggest the measurement of blood flow data and using the measurement of blood flow to determine a location for stent placement.

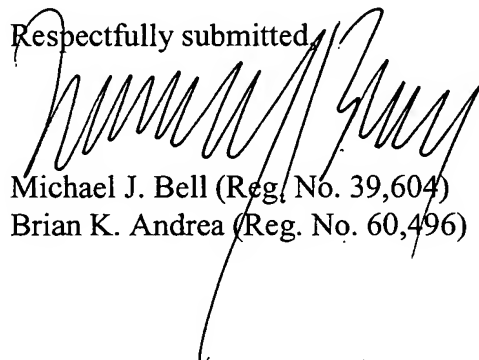
Because Haude in view of Dinh fails to disclose or suggest all of the elements of claim 1, claim 1 is allowable over Haude in view of Dinh. Claims 16-19 depend from claim 1 and are allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 16-19 over Haude in view of Dinh.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

  
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